## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CHARLES T. HOYE,	)	
Plaintiff,	)	Civil Action No.: 7:14cv00124
v.	)	
HAROLD CLARKE, et al.,	)	By: Hon. Michael F. Urbanski United States District Judge
Defendant.	)	Office States District Judge
	ORDER	

For the reasons set forth in the accompanying Memorandum Opinion entered this day, it is

hereby **ORDERED** as follows:

1. The court's March 20, 2015 Dismissal Order (Dkt. # 39) adopting the report and recommendation is **VACATED**;

- 2. Plaintiff's objections to the report and recommendation (Dkt. # 40) are deemed timely filed;
- 3. Plaintiff's motion for reconsideration (Dkt. # 41) is **DENIED** as moot;
- Plaintiff's objections to the report and recommendation are OVERRULED and the magistrate judge's report and recommendation (Dkt. # 38) is ADOPTED;
- 5. Plaintiff's motion to amend the complaint (Dkt. # 33) is **DENIED**.
- 6. Defendants' motion for summary judgment (Dkt. # 24) is **GRANTED**;
- 7. This matter is **DISMISSED** and **STRICKEN** from the active docket of the court.

  It is **SO ORDERED**.

The Clerk is directed to send a copy of this Order to the <u>pro se</u> plaintiff and to counsel of record.

Entered: May 27, 2015

(s/ Michael F. Urbanski

Michael F. Urbanski United States District Judge